

Exhibit J

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EVELYN MCKINLEY

Plaintiff

v.

LES BROWNLEE

Defendant

CIVIL ACTION NO. 04-222 E

DECLARATION OF JOSEPH SHARKEY.

1. I, Joseph Sharkey, make the following declaration pursuant to the provisions of 28 U.S.C. § 1746. I understand that this declaration is the equivalent of an affidavit.

2. I am an Administrative Officer for the 99th Regional Readiness Command ("RRC"), located in Coraopolis, PA. Among my duties is to coordinate new position announcements ("job postings") for installations and equipment sites which are assigned to the 99th RRC, to include Equipment Concentration Site ("ECS") 103 in Geneva Lake, PA. I also serve as the records custodian for the records of recruiting actions at ECS 103.

3. I am familiar with the list "ECS 103 Activity Vacancies" attached hereto as Exhibit 1. This list was created by this command and reflects various vacancies during the time periods noted on said list.

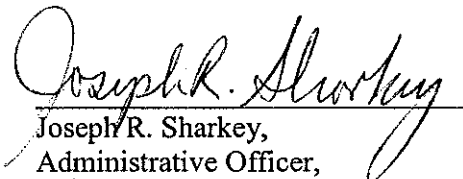
4. In accordance with staffing regulations that govern the positions on the aforementioned list, each position was made available through the Military Technician Program. As a condition of employment under this program, each position must be filled by a military technician who maintained the "dual status" of also serving as a reservist in the Army Reserves. See 10 U.S.C. § 10216; 32 U.S.C. § 709. All of the new hirees for these positions fulfilled this requirement and maintained reserve status in the Army Reserves.

5. Mrs. McKinley was not offered any of the positions noted on the list and could not qualify for any of these positions because she did not serve as a reservist in the Army Reserves.

6. Albert Morrell was the manager at ECS 103 from 10 October 1999 until 19 June 2003. Arnold Fairbanks is the current manager of ECS 103 and has held this position since 17 November 2002.

7. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. (28 U.S.C. § 1746).

Executed on: 28 April 2006


Joseph R. Sharkey,
Administrative Officer,
99th RRC

ATTACHMENT A

Exhibit 1

ECS_103
ACTIVITY VACANCIES

DATE	ACTION	EDATE	UNIT	POSITION	GRADE
2002/04/19	RECRUIT/FILL	2002/05/05	ECS 103	T&P ATTD	WG-06
2002/07/20	RECRUIT/FILL	2002/08/11	ECS 103	SUP TECH	GS-05
2002/07/20	RECRUIT/FILL	2002/08/11	ECS 103	SUP TECH	GS-05
2002/07/20	RECRUIT/FILL	2002/08/11	ECS 103	MH (MVO)	WG-06
2002/09/14	RECRUIT/FILL	2002/10/06	ECS 103	WORK ORDER CLK	GS-04
2002/09/14	RECRUIT/FILL	2002/10/06	ECS 103	SUP CLK	GS-05
2003/08/26	RECRUIT/FILL	2003/09/21	ECS 103	SUP TECH	GS-05
2003/08/26	RECRUIT/FILL	2003/09/21	ECS 103	MAT HAND (MVO)	WG-06

